



M.O.E. Policy Manual

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| POLICY TITLE CONSTRUCTION PRIOR TO MINISTRY APPROVAL | | NO. 12-02-01 |
| <u>Legislative Authority</u> Sections 23 and 24, the Ontario Water Resources Act, R.S.O. 1980 | | |
| <u>Statement of Principles</u> Sewage or water works constructed without approval contravene Sections 23 or 24 of the <u>Ontario Water Resources Act</u> which state that "... no such works shall be undertaken or proceeded with and no by-laws for raising money to finance such works shall be passed until the proposed works have been approved by the Director." This policy emphasizes the seriousness with which the Ministry views the practice of constructing works without the party obtaining approval as required under the <u>Ontario Water Resources Act</u> , and establishes administrative procedures for ensuring that the technical requirements of the <u>Ontario Water Resources Act</u> are met in cases where construction of water or sewage works takes place prior to the issuing of Certificates of Approval. This policy does not apply to any works constructed prior to the passage of the <u>OWR Act</u> . | | |
| <u>Point of Contact</u> | | Director, Approvals Branch |
| <u>Effective Date</u> July 14, 1987 | | |

Definition:

Minor Works

Those facilities designed to provide potable water for, or treat domestic sanitary sewage from, the equivalent of 500 persons or less.

1. Investigation and Prosecution

When it has been discovered that works have been built or are being built without approval, the Regional Director shall initiate an investigation and inform the party that no further construction can take place until the party has obtained the required Certificate of Approval, and if considered appropriate, initiate prosecution procedures.

Section 54 of the OWR Act imposes a two year limitation period on prosecutions. If the period has expired only those matters dealt with in Section 2 below can be addressed by the Ministry.

2. Technical Examination

Concurrent with the action being taken in accordance with Section 1 above, the Regional Director shall request the party to submit detailed plans of the entire works including "as constructed" drawings certified by a professional engineer, for works already completed, except as set out in Section 2.1 below.

2.1 Minor Water and Sewage Works

For minor water and sewage works, the proponent will provide the necessary drawings and report to the satisfaction of the Regional Director to explain the facilities that were currently constructed without approval and for which approval was necessary. The extent of detail to be provided should be commensurate with the complexity of the work installed without approval.

2.2 Ministry Letter

The Regional Director will review this information in consultation with the Director, Approvals Branch, and may issue a letter indicating the extent to which the works meet MOE standards and requirements.

2.3 Works Upgrading

If the works are not deemed to be satisfactory, the Regional Director shall send a letter to the party requesting changes as required to bring the facilities up to Ministry's requirements. If the party undertakes the requested changes to the satisfaction of the Director, the Director may proceed to issue the letter mentioned in Section 2.2 above.

Where these changes are modifications which would be subject to Sections 23 or 24 of the Ontario Water Resources Act, it will be necessary for the party to make application for approval for these changes.

2.4 Director's Order

If the party refuses to submit information on the constructed works as required in Section 2 and, Section 2.1 or, if he refuses to make the requested changes as in Section 2.3, the Director of the Approvals Branch in consultation with the Regional Director, shall issue an order requiring the information or the changes to the works pursuant to Subsection 23(3) or 24(3) of the Ontario Water Resources Act.

Where these ordered changes are modifications subject to Sections 23 or 24 of the Ontario Water Resources Act, a provision of the order will require an application for approval to be submitted by the party.

2.5 Established Works

Similar provisions that apply to long-established works are contained in Policy 12-03.